

Michigan's Long Term Care Ombudsman Program

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State LTC Ombudsman
House Committee on Senior Health, Security and Retirement
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Ombudsman Role

- Advocates for Residents of
 - Nursing Homes: 43,000 people
 - Homes for the Aged: 10,000 people
 - Adult Foster Care Homes: 44,000 people

Federal Authority

- Older Americans Act (42 USC 3058g)
- Establishes Ombudsman access to LTC Facilities
- To “identify, investigate, and resolve complaints made by or on behalf of residents...”

State Authority

- Older Michiganians Act (MCL 400.581 et al)
- LTC facility defined (NH, AFC, HFA)
- Access specified (Ombudsman staff may visit NH, HFA, AFC between 8 am and 8 pm – other hours with State Ombudsman approval)

Individual Advocacy

- Serve residents of licensed Facilities (NH, HFA, AFC)
- Investigate Complaints
- Help individual residents (or others on their behalf) resolve complaints
- Provide facility-specific compliance history/quality information

Authority

- May do any of the following:
 - “seek consent from a resident to communicate privately and without restriction with that resident.”
 - “observe all resident areas of the facility except the living area of any resident who protests the observation.”

Individual Advocacy, cont.

- Refer residents for Nursing Facility Transition
- Support Resident Councils
- Support Family Councils
- Provide background information to nursing home surveyors

System Advocacy

- Policy work to improve quality of care and life
- Advocate in legislature, departments, and other venues for change
- Educate the public about LTC options/issues
- Promote and empower the voices of LTC residents

How is Michigan LTC Ombudsman configured?

- State LTC Ombudsman office within the Office of Services to the Aging (OSA)
 - One State Ombudsman
 - Three Asst. State Ombudsmen
 - One Administrative Assistant

Configuration, cont.

- Area Agencies on Aging fund Local Ombudsman programs
- 8 offices around the state
- 3 are in-house Area Agency on Aging staffed
- 5 through contract with Citizens for Better Care

Staffing

- 21 paid local Ombudsman staff
- Approximately 50 volunteers

Data

- FY 2008 investigated 1,300 cases including 1,900 complaint issues
- 3,000 consultations with individuals needing long term care information
- 500 consultations with facilities needing information on regulations or other items
- Gave 300 community education sessions
- Visited 420 nursing homes and 100 Adult Foster Care and Homes for the Aged

Case #1 – NH Involuntary Discharge

- Nursing Home resident gets a 30 day involuntary discharge notice for “behaviors”.
 - Ombudsman seeks consent from resident to advocate
 - Ombudsman helps resident file appeal of notice
 - If necessary, Ombudsman helps file complaint with Bureau of Health Systems

Case #1, cont.

- Ombudsman gets resident permission to communicate with NH staff, CMH, doctor, others about care plan and what could be done better.
- If resident gets discharged to psych unit of hospital, Ombudsman advocates for resident to return to NH (if the resident wishes) or makes referral to LTCC for help with other settings.

Case #2 – Nursing Home Evacuation

- Nursing Home Evacuating – no heat
 - Ombudsman calls other service agencies, LTCC, AAA, Red Cross, Dept. of Human Services for assistance for residents
 - Ombudsman goes to facility to assure residents rights are respected during transfer
 - Ombudsman alerts facility staff and regulators to problems (moving people without their meds, no charts, no coats, etc.)

Case #3 – NH Care Complaint

- NH Resident complains of lack of physical therapy
 - Ombudsman seeks resident permission to act
 - Ombudsman investigates complaint
 - Ombudsman attends care conference with resident, give facility a chance to correct problem
 - If not corrected, Ombudsman can help resident file a formal complaint with BHS.

How to find the Ombudsman?

- Toll free number 866/485-9393 (geo-routed)
- Posters in NHs
- www.michigan.gov/miseniors
- www.medicare.gov
- www.ltombudsman.org
- Sarah Slocum 517/335-0148
slocums@michigan.gov